UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,695	09/19/2003	Behram Dacosta	50T5565.01	1408

7590 09/12/2006

ROGITZ & ASSOCIATES
750 B Street, Suite 3120
San Diego, CA 92101

EXAMINER	
TRAN, PABLO N	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,695	DACOSTA ET AL.	
	Examiner	Art Unit	
	Pablo N. Tran	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) *2,12,17-19 and 29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-11, 13-16, 20-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 17-19 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: see examiner action issued on 06/05/2006.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-19 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 9, 11, 13, 16, 20-21, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Shootbridge (6,633,769).

As per claims 9, 13, and 25-26, Shootbridge disclosed a user device (fig. 3/no. 120) configured for wireless communication with an access point (fig. 1/no. 54) of a

wireless network, wherein the user device having a host processor (fig. 3/no. 130) having a power save mode in which the host processor is de-energized (col. 5/ln. 43-47), a physical radio layer (fig. 3/no. 140, it is widely known in the art that the PCMIA radio card (col. 6/ln. 1) having a modulator/demodulator (physical radio layer) and a controller (MAC) in order to modulate and demodulate RF signals and the controller to facilitate communication between the access point (fig. 1/no. 54) and host CPU (fig. 3/no. 130)) configured for communicating with the wireless network and energized even when the host processor is in the power save mode, and wake up logic circuitry generating a wake up signal (abstract) indicative of the availability of data for the user device in the network, the wake up signal being generated upon receipt of communication signal (code) from the network intended for the user device (abstract, fig. 5, col. 6/ln. 46-57).

Shootbridge disclosed that the wake up logic circuitry is implement in the PCMIA radio card (col. 6/ln. 10-13) but not explicitly within the physical radio layer or the controller (MAC). However, such shifting location of parts (the wake up circuitry) within the PCMIA radio card is obvious to one of ordinary skill in the art as stated in In re Japikse, 86 USPQ 70 (CCPA 1950). Therefore, it would have been obvious to one of ordinary skill in the art to implement the location of the wake up circuitry in the physical radio layer or the controller of the PCMIA radio card in order to reduce space of the PCMCIA radio card.

As per claims 11 and 24, Shootbridge disclosed the wake up signal is used to automatically disable the power save mode to cause the host processor to be energized (abstract, fig. 5, col. 6/ln. 46-57).

As per claims 16 and 20-21, Shootbridge disclosed all claimed limitation as stated above in claim 9. Shootbridge does not specifically disclose that the wakeup logic circuitry is embodied at least in part by a shift register and related logic circuitry. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such wake up circuitry to the communication device of Shootbridge in order to provide a less complicate circuitry to reduce space and save incurred cost.

4. Claims 14-15 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shootbridge (6,633,769) in view of Lindskog et al. (US20010031626).

As per claim 14, and 27, Shootbridge disclose such wireless LAN network but not explicitly it is of 802.11 network and utilization of traffic indication map (TIM). Lindskog et al. suggest such utilization of 802.11 wireless LAN network [0029] and TIM message [0033]. Therefore, it would have been obvious to one of ordinary skill in the art to provide such network and message, as claimed above, to the communication system of Shootbridge to provide a communication system that effectively provide power saving function by reducing the number of transmission messages

As per claim 15, and 28, the modified communication system of Shootbridge & Lindskog et al. further disclose the traffic signal includes a special sequence of N bytes repeated M times, wherein N and M are integers (see Lindskog et al., fig. 11).

5. Claims 1, 3-5, 8, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shootbridge (6,633,769) in view of Cragen (6,615,033).

As per claims 1, 10, and 22, Shootbridge disclosed all claimed limitation as stated above in claim 9.

Shootbridge disclosed that the user device is awake (active) from the sleep mode but not explicitly such an alert to the user that the device has awaked (active). However, Cragen disclosed such means (fig. 5, col. 22-46). Therefore, it would have been obvious to one of ordinary skill in the art to provide such notification means, as taught by Cragen, to the communication device of Shootbridge in order to notify the user that the device is awake (active) and ready to facilitate communication.

As per claim 3, Shootbridge disclosed all claimed limitation as stated above in claim 11.

As per claims 4-5, Shootbridge disclosed all claimed limitation as stated above in claim 9.

As per claim 8, Shootbridge does not specifically disclose that the wakeup logic circuitry is embodied at least in part by a shift register and related logic circuitry. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such wake up circuitry to the communication device of Shootbridge in order to provide a less complicate circuitry to reduce space and save incurred cost.

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shootbridge (6,633,769) in view of Cragen (6,615,033) and further in view of Lindskog et al. (US20010031626).

As per claim 6, the modified communication system of Shootbridge and Cragen disclose such wireless LAN network but not explicitly it is of 802.11 network and utilization of traffic indication map (TIM). Lindskog et al. suggest such utilization of 802.11 wireless LAN network [0029] and TIM message [0033]. Therefore, it would have been obvious to one of ordinary skill in the art to provide such network and message, as claimed above, to the modified communication system of Shootbridge and Cragen to provide a communication system that effectively provide power saving function by reducing the number of transmission messages

As per claim 7, the modified communication system of Shootbridge, Cragen, and Lindskog et al. further disclose the traffic signal includes a special sequence of N bytes repeated M times, wherein N and M are integers (see Lindskog et al., fig. 11).

Response to Arguments

7. Applicant's arguments filed 06/17/06 have been fully considered but they are not persuasive.

The Applicant's stated that, "Shootbridge is directed to a wireless access point, e.g. see the title of Shootbridge, and to use the wireless access point reference of Shootbridge to reject the claims is inconsistent with the restriction requirement". In response to the Applicant, The examiner issued the restriction base upon the claimed

limitations and not cited references. Furthermore, the Applicant need to examined as to where the examiner cited the passage within the Shootbridge's reference and not relied upon the title of the reference.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see httpr//pair-directauspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PABLO N. TRÁN
PRIMARY EXAMINER

September 5, 2006

AU2618